



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/005,252

12/03/2001

Hawley K. Rising III

080398.P427

9370

8791

7590

04/17/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/005,252	Applicant(s) RISING ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 11 January 2008, PROSECUTION IS HEREBY REOPENED. A non final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

2. Claims 1-15,17,20-34 and 37-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Crawford (5,805,784). .

Regarding claims 1, 21, 22, 23, 30-31 and 37-41, Crawford discloses an computer system (Fig. 1, column 1, lines 5-15) and a method for processing descriptions of audiovisual content (video game) (column 2, lines 35-60) column 39, line 40 to column 40, line 25), the apparatus method comprising:

creating means a first description (story line) of audiovisual content (video game);

defining means information pertaining to reuse of the first description (reusable substories) ; and

storing means the first description and the information pertaining to reuse of the first description in a repository of descriptive data to enable subsequent reuse of the first description to create a second description that describes a similar concept depicted in a new audiovisual content (column 4, lines 35-68).

Further for claim 40 and 41, Crawford further teaches a readable computer medium encoded with a program since generating first description and reuse information under control by a computer.

Regarding claims 2, 20, 24 and 32, Crawford teaches the first description is a semantic description (column 4, lines 22-68).

Regarding claims 3, 25 and 33, Crawford teaches the method of claim 1 wherein the first description is a description scheme (column 4, lines 30-35).

Regarding claims 4, 26, and 34, Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can be embedded into a second description of audiovisual content without changing an

intended meaning of the first description (column 4, lines 35-39, column 5, lines 35-50)..

Regarding claims 5 and 27, Crawford further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can be divided into a plurality of partial descriptions, each of the plurality of partial descriptions being suitable for subsequent reuse (column 4, line 59 to column 5, line 15)..

Regarding claims 6 and 28, Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can be transformed when reused to create a second description of audiovisual content (column 4, lines 45-65).

Regarding claims 7 and 29, Crawford further teaches the information pertaining to reuse of the first description indicates whether the first description can maintain transitive capability if the first description is reused to create a second description of audiovisual content (column 4, lines 45-68).

Regarding claim 8, Crawford further teaches the method of claim 1 further comprising: reusing a plurality of descriptions stored in one or more repositories of descriptive data a number of times to provide de facto standardization of the plurality of descriptions by category (column 4, lines 45-68)..

Regarding claim 9, Crawford a method for reusing descriptions of audiovisual content (column 39, lines 28 to column 4, lines 25, column 44), the method comprising:

finding existing descriptive data that should be included in a new

description of audiovisual content;
analyzing reuse information associated with the descriptive data; and
creating the new description using the existing descriptive data and the
associated reuse information ((column 1, lines 30- 47, column 3, lines 10-35,
column 4, lines 40-68) ..

Regarding claim 10, Crawford further teaches the new description is a semantic
description (column 4, lines 20-35).

Regarding claim 11, Crawford further teaches the new description is a
description scheme. (column 4, lines 31-35). e (column 43, lines 4-25).

Regarding claim 12, Crawford further teaches the descriptive data is at least a
portion of one or more existing descriptions of audiovisual content. (column 4, lines
45-68, column 5, lines 1015)..

Regarding claim 13, Crawford further teaches retrieving the descriptive data
from one or more repositories of descriptive data (column 5, lines 1-15)Fig. 10) .

Regarding claim 14,. Crawford teaches the method of claim 9 wherein creating the
new description further comprises:

converting the existing descriptive data into a partial description; and
mapping the partial description to the new description (column 4, line 55 to column
5, line39).

Regarding claim 15, Crawford teaches the method of claim 9 wherein creating the
new description further comprises:

accessing a portion of the existing descriptive data in a repository of descriptive data; and mapping the portion of the existing descriptive data to the new description (column 4, lines 44-68).

Regarding claim 17, Crawford further teaches the method of claim 9 wherein creating the new description further comprises: including a reference to the existing descriptive data into the new description (Plan history (column 6, lines 1-25)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 16,18-19 and 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford in view of Official Notice

Regarding claims 16, 18-19 and 35-36, Crawford fails to teach using dictionary mapping of object in the description for the description, mechanism for performing graph operations and the new description is created using an object oriented inheritance mechanism. However, it is noted that using dictionary mapping., mechanism for performing graph operations and the description is created using an object oriented inheritance graph is well known in the art. See specification page 21 of the present application. Therefore official notice is taken and it would have been obvious to one of ordinary skill in the art to modify Crawford by using dictionary mapping object, mechanism for performing graph operations and object oriented inheritance graph for the description as alternative method for creating the description.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621